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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

7 This Document Relates to Plaintiff
Willard Taggart, 2:17-cv-04216

No. MD-15-02641-PHX-DGC
**FIRST AMENDED
SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Willard J. Taggart

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 Kim A. Taggart

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant:

21 New York
22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New York

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New York

7. District Court and Division in which venue would be proper absent direct filing:

Southern District of New York

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):



Recovery[®] Vena Cava Filter



G2[®] Vena Cava Filter

☒ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

October 13, 2009

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation



Count XIII: Fraudulent Concealment



Count XIV: Violations of Applicable New York (insert state)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices



Count XV: Loss of Consortium



Count XVI: Wrongful Death



Count XVII: Survival



Punitive Damages



Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

1 RESPECTFULLY SUBMITTED this 8th day of March 2018.

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3 **FLINT LAW FIRM, LLC**

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5 By: /s/ Jacob A. Flint
6 Jacob A. Flint, IL Bar No. 6299777
7 Brian S. Katz, KY Bar No. 86633
8 **FLINT LAW FIRM, LLC**
9 222 East Park Street, Suite 500
10 P.O. Box 189
11 Edwardsville, IL 62025
12 Phone: (618) 288-4777
13 Fax: (618) 288-2864
14 jflint@flintlaw.com
15 *Attorneys for Plaintiff*
16
17
18
19
20
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